UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,431	02/23/2000	MOTOSHI TAMURA	9683/54	7267

757 7590 12/22/2003

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611

EXAMINER	
LE, DANH C	

ART UNIT	PAPER NUMBER
2683	13

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/403,431	TAMURA ET AL.	
	Examiner	Art Unit	
	DANH C LE	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *42-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *42-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

Applicant's election of Group1 (claims 42-53) in Paper No. 12 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 42-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Blakeney (US 5,267,261).

As to claim 42, Blakeney teaches a method for controlling access links between a mobile station and a network (figure 1), characterized in that a plurality of branches (20a, 20b-24a, 24b) are established between the network and the mobile station, upon a call attempt to or from the mobile station located at position where the mobile station can communicate using diversity handover (col.13, lines 1-7) the plurality of branches including a main branch (user conversation through base station 16, 24a, 24b) and at least one auxiliary branch (20a, 20b, 22a, 22b) for additional use in order that the mobile station may communicate using diversity handover, thereby enabling the mobile

station to commence the diversity handover using the plurality of branches (col.26, line 40-col.27, line 27).

As to claim 43, Blakeney teaches the method according to claim 42, wherein the branches are formed between the network and the mobile station via a single base station, thereby enabling the mobile station to commence intra-cell diversity handover (col.18, lines 3-20).

As to claim 44, Blakeney teaches method according to claim 42, wherein the branches are formed between the networkand the mobile station via a plurality of base stations, respectively, thereby enabling the mobile station to commence inter-cell diversity handover (col.18, lines 3-20).

As to claim 45, Blakeney teaches the method according to claim 42, wherein the mobile station measures the levels of receptions from circumferential base stations, selects candidate zones for the diversity handover on the basis of the measurement, and notifies the network about the candidate zones, and the network selects the branches in light of the notification from the mobile station (col.26, line 40-col.27, line 27).

As to claim 46, Blakeney teaches the method according to claim 42, wherein the network transmits a message, including a request to establish the branches, to the mobile station and commences the diversity handover for communicating with the mobile station (col.26, line 40-col.27, line 27).

As to claim 47, Blakeney teaches a mobile station characterized in that it establishes a plurality of branches between the network and the mobile station upon the

reception of a message from the network when no access link is established between the network and the mobile station the message including a request; for establishing the branches, thereby commencing the diversity handover using the plurality of branches (col.18, line 46-col.20, line 7).

As to claim 48, Blakeney teaches the mobile station according to claim 47, wherein if the request instructs to establish the branches between the mobile station and a single base station, the mobile station establishes the requested branches between the mobile station and the single base station, thereby commencing intra-cell diversity handover (col.18, lines 3-20).

As to claim 49, Blakeney teaches the mobile station according to claim 47, wherein if the request instructs to establish the branches between the mobile station and a plurality of base stations, the mobile station establishes the requested branches between the mobile station and the base stations, thereby commencing inter-cell diversity handover col.26, line 40-col.27, line 27)..

As to claim 50, Blakeney teaches the base station controller (figure 1, 10) characterized in that it-establishes a plurality of branches between a network and a mobile station upon a call attempt to or from the mobile station at a location where the mobile station can communicate using diversity handover (col.13, lines 1-7), the plurality of branches including a main branch and at least one auxiliary branch for additional use in order that the mobile station may communicate using diversity handover (col.26, line 40-col.27, line 27)..

As to claim 51, Blakeney teaches a base station controller (figure 1, 10) characterized in that it transmits a message to both of a base station and a mobile station upon a call attempt to or from the mobile station at a location where the mobile station can communicate by means of intra-cell diversity handover (col.26, line 40-col.27, line 27) wherein the mobile station and the base station communicate with each other using a plurality of branches (col.10, lines 48-67 and col.13, lines 49-54), the message including a request for establishing a plurality of branches including a main branch and at least one auxiliary branch for additional use in order that the mobile station may communicate by means of intra-cell diversity handover (col.26, line 40-col.27, line 27).

As to claim 52, Blakeney teaches a base station controller (figure 1, 10) characterized in that it transmits a message to both of a base station and a mobile station upon a call attempt to or from the mobile station a location where the mobile station can communicate by means of inter-cell diversity handover (col.13, lines 1-7), wherein the mobile station communicates with the plurality of base stations, the message including a request for establishing a plurality of branches between the mobile station and the corresponding base station (col.26, line 40-col.27, line 27).

As to claim 53, Blakeney teaches a base station (figure 1, 16, 12, 14) characterized in that it establishes a plurality of branches between the base station and the mobile station according to an instruction from a base station controller (10) upon a call attemp to or from the mobile station at a location where the mobile station can communicate by means of intra-cell diversity handover (col.13, lines 1-7) wherein the

mobile station and the base station communicate with each other using a plurality of branches (col.10, lines 48-67 and col.13, lines 49-54), the plurality of branches including a main branch and at least one auxiliary branch for additional use in order that the mobile station may communicate by means of intra-cell diversity handover , thereby enabling the mobile station to commence the inter cell diversity handover (col.26, line 40-col.27, line 27).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Gilhousen et al (US 5,101,501) teaches the method and system for provide soft handoff in communication in a CDMA cellular telephone system.

B. Gilhousen et al (US 5,109,390) teaches the diversity receiver in a CDMA cellular telephone system.

C. Gilhousen et al (US 5,625,876) teaches the method and apparatus for performing handoff between sectors of a common base station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Danh C.Le

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600